

TYPE II DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1401



Project Name: UNION PRAIRIE BUSINESS PARK

Case Number: PSR2004-00054, SEP2004-00145, MZR2004-00167

Location: Southeast corner of NE 117th Avenue (SR 503) and NE 113th Street (P).

Request: The applicant is proposing a three phase Binding Site Plan to create 3 industrial lots for the purposes of constructing 3 separate light industrial buildings as follows: Lot 1, Building "A" 23,204 square feet; Lot 2, Building "B" 25,342 square feet; and Lot 3, Building "C" 30,250 square feet. The total floor area of the three buildings when completed is 78,796 square feet.¹ The site is approximately 7.02 acres zoned Light Industrial (ML).

Applicant: Harb Engineering, Inc.
Attn.: Gus Harb
900 Washington Street, Suite 825
Vancouver, WA 98660

Contact Person: (Same As Applicant)

Property Owner: James R. Neilsen et al
P. O. Box 2126
Vancouver, WA 98668

DECISION

Approved subject to Conditions of Approval

Team Leader's Initials: _____ **Date Issued:** November 16, 2004

¹ On the Development Review Application Form, the applicant indicates that the total floor area of the 3 buildings would be 78,960 square feet, but on the proposed Site Plan, Cover Sheet C1 of C6, the 3 proposed buildings total 78,796 square feet.

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Planner:	Michael Uduk	4385	Michael.uduk@clark.wa.gov
Engineer (Trans. and Stormwater):	Ali Safayi	4102	Ali.safayi@clark.wa.gov
Engineer (Trans. Concurrency):	Shelley Oylear	4354	Shelley.oylear@clark.wa.gov
Team Leader:	Krys Ochia	4834	Krys.ochia@clark.wa.gov
Engineer Supervisor (Trans. and Stormwater):	Richard Drinkwater, P.E.	4492	Richard.Drinkwater@clark.wa.gov
Engineering Supervisor (Trans. Concurrency):	Steve Schulte, P. E.	4017	Steve.schulte@clark.wa.gov

Parcel Number(s):

Tax Lot 34 (200092), Tax Lot 1 (200215-002), 2 (200215-004 Falcon Prairie One, J107), in the NW ¼ of Section 34, Township 3 North, Range 2 East of the Willamette Meridian.

Comp Plan Designation: Light Industrial (ML)

Applicable Laws:

Clark County Code Chapters 40.570.080 (SEPA), 40.610 (Impact Fees), 40.230.080 (Industrial Districts), 40.520.040 (Site Plan Review), 40.520.040 (B) (Binding Site Plans), 40.540.020 (B) (4) (e) (Platting Exemption - Binding Site Plan), 40.320 (Landscaping and Screening), 40.340 (Parking and Loading Standards), 40.360 (Solid Waste and Recycling), 40.370 010 (C) (Sewer Waiver), 40.310 (Signs), 40.570.080 (C) (3) (k) (Archaeology), 40.410 (CARA), 40.350 (Transportation Standards), 40.350.020 (Concurrency), 40.380 (Stormwater and Erosion Control), 40.350.020 (C) (Water Connection), 40.370.020 (C) (Sewer Connection), 15.12 (Fire Protection), 40.510.030 (Procedure)

Neighborhood Association/Contact:

Greater Brush Prairie Neighborhood Association
Sam Kim, President
14915 NE 126th Avenue
Brush Prairie, WA 98607

Time Limits:

The application was submitted and determined to be counter complete on September 9, 2004, and determined to be fully complete on September 23, 2004. Therefore, the County Code requirement for issuing a decision within 78 days lapses on December 10, 2004. The State requirement for issuing a decision within 120 calendar days lapses on January 21, 2004.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on January 15, 2004. The pre-application was determined to be contingently vested as of December 18, 2003 (i.e., the date the fully complete pre-application was submitted).

The fully complete application was submitted on September 9, 2004 and determined to be fully complete on September 23, 2004. Given these facts the application is vested on September 9, 2004, (that is, the date the fully complete application was submitted to the county). There are no vesting disputes regarding this application.

Public Notice:

Notice of application and likely (optional) SEPA Determination of Non-Significance (DNS) was mailed to the applicant, Greater Brush Prairie Neighborhood Association and property owners within 300 feet of the site on September 24, 2004. Notice of the likely (optional) SEPA Determination of Non-Significance was published in "The Columbian" newspaper on September 24, 2004.

Public Comments:

The county received letters from Thom McConathy and Mel and Vicki Sutherland regarding this project. The contents of the letters are summarized below:

- A. Groundwater contamination: Mr. Thom McConathy challenges the county's SEPA determination of non-significance (DNS) because, he states, the proposed development will not be required to connect to public sewer. Mr. McConathy claims, without providing any supporting documentation that allowing industrial or manufacturing developments to be served by on-site septic systems in the past has resulted in groundwater contamination in the county. The letter concluded by stating that the county's groundwater plan, adopted through the growth management planning process, required industrial developments in Clark County to be connected to publicly managed and maintained sewer systems.

- B. Mr. and Mrs. Sutherland identify the following potential impacts from the proposed development:
1. Excessive noise;
 2. Pollution;
 3. Undesirable visual impacts;
 4. Crime (proximity to Prairie High School); and,
 5. Increased traffic.

The letter concludes with a request for a 10 foot high fence to serve as a buffer between the proposed industrial development and the residential property to the east.

Staff's Response:

- A. Groundwater contamination: Clark County Health Department regulates on-site septic system installation, based on the applicable sections of the state's public health laws, and also monitors groundwater sites (in the county) to ensure the maintenance of adequate water quality. The sewer waiver that the county is granting to this development is not permanent, because the applicant is required to submit a signed covenant running with the land, agreeing to professionally abandon the on-site septic system, and connect to public sewer when public sewer service is available to the site. (See additional information under Public Sewer Waiver, pages 16 through 18)
- C. This development will be required to provide appropriate and adequate screening to mitigate for potential noise, light, and visual impacts. The Sheriff's Department maintains peace in the county, and staff is not aware that an industrial site could be a source of crime, instead of being a place of work and employment. If crime becomes an issue, then the county's sheriff department is professionally equipped to address it. Transportation Concurrency and Engineering Services Staffs have addressed the traffic concerns on pages 9 through 12 of this report.

Project Overview

The applicant is requesting a Binding Site Plan Review approval to create three industrial lots of various sizes on approximately 7.02 acres zoned Light Industrial (ML). The ML district provides for a variety of uses outright or conditionally per Table 40.230.080-1.

Site development will occur in three phases, Phase 1 and Phase 2 and Phase 3 as shown in Table 1.

Table 1: The Proposed Phases

Phase 1	Phase 2	Phase 3
1. Lot 1, approximately 2.39 acres.	1. Lot 2, approximately 1.70 acres.	1. Lot 3, approximately 2.12 acres.
2. Building "A" 23,204 square feet.	2. Building "B" 25,342 square feet.	2. Building "C" 30,250 square feet.

The applicant is also requesting a sewer waiver to enable the development to be served by an on-site septic system.

The following table describes the comprehensive plan designation, zoning and the current land use on the site and on the abutting properties:

Table 2: Comp Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	Mixed Use (MU) & Light Industrial (ML)	Light Industrial (ML)	The site is a flat, vacant industrial property with mostly grass.
North	Urban Low (UL) & ML	Single-Family Residential (R1-10) & ML	Flat land used as a cemetery.
East	Urban Reserve (UR)	Urban Reserve – 10 (UR-10)	Single-family residential housing on acreage home sites.
South	MU & UR	ML & UR-10	An RV Storage facility and single-family residential housing on acreage home sites.
West	UL	R1-6	NE 117 th Avenue (SR 503) flat vacant property with grass.

The USDA Soil Conservation Service, Soil Survey of Clark County, Washington, 1972, classifies the soils on the site as those of Sifton gravelly loam (SvA) on slopes ranging from zero to 3 percent. There are no jurisdictional wetlands, shorelines, a 100-year flood plain or buffer, and potentially unstable slopes mapped on the site by the county's GIS Mapping System.

The property is located within the City of Vancouver urban growth area. It is situated in an area served by Park District 6, Fire Protection District 5, Battle Ground School District and Orchards Traffic Impact fees district. Clark Public Utilities provides public water and Hazel Dell Sewer District provides public water and sewer service in the area.

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE - Zoning:

Finding 1

This property is zoned Light Industrial (ML), which permits several uses outright, or conditionally (per Table 40.230.080-1). The development site is approximately 7.02 acres. The proposed development must comply with the development standards in Table 40.230.080-2 as follows:

Table 3: Lot setback, Lot coverage and Building Height Requirements per CCC40.230.080-2²

Subject	ML
Minimum area of new zoning district	None
Maximum area of new zoning district	None
Minimum lot area	10,000 square feet
Minimum lot width	100 feet
Minimum lot depth	100 feet
Maximum building height	60 feet for buildings. No height limitation for towers in all industrial zones
Minimum building setback	
Front/street side	20 feet
Side (interior)	10 feet
Rear	15 feet
Maximum building coverage	50 percent
Minimum landscaped area/type	20 percent

See condition of approval A-1

² See Table 40.230.080-2 for details and clarification.

Commercial or Service use

Finding 2

Staff finds that a commercial or service use, when proposed, shall not exceed ten percent (10%) of the gross floor area of the industrial building. If a freestanding commercial/service building is proposed, then the total floor area of the commercial/service building shall be limited to ten (10) percent of the total floor area of all the buildings proposed within the industrial complex, as shown on the site plan. When a commercial or service use is approved, a note shall be placed on the final site plan indicating the cumulative amount of the commercial or service area that has been approved and the residual amount that is available for use. (See condition of approval D-1)

Binding Site Plan Review

Finding 3

CCC 40.540.020 (B) (4) (e) exempts the division of land zoned for industrial or commercial use into lots or tracts, when the responsible official has approved a "binding site plan" for use of the land in accordance with CCC 40.520.040 (Site Plan Review).

1. CCC 40.520.040 (B) states that the purpose of a binding site plan approval is to provide an alternative to the standard subdivision process for specific types of development. The code further states that the binding site plan shall only be applied for the purpose of dividing land for:
 - a. Sale or for lease of commercially or industrially zoned property as provided in RCW 58.17.040(4);
 - b. Lease as provided in RCW 58.17.040 (5) when no other structure other than manufactured homes or travel trailers are permitted to be placed upon the land; provided, that the land use is in accordance with the requirements of this title.
2. In addition to the requirements of a standard site plan, a binding site plan shall contain:
 - a. Inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land; and
 - b. Provisions making any development conform to the site plan.

Based upon the above, the applicant shall provide a recorded survey of each lot as provided for in RCW 58.17.040 (5). (See Condition A-2)

Finding 4

The following note shall be placed on the final site plan:

"Development proposed on Lot 2 , Phase 2, and Lot 3, Phase 3 shall require additional review, if the applicant or a successor in interest proposes a change or changes that triggers or trigger additional review, as defined in CCC 40.520.040 (A)" (See Condition D-2)

Site Plan Review Standards:

Approval Criteria:

CCC 40.320.010 provides landscaping and screening standards on private property. Perimeter landscaping usually requires native trees of a suitable nature planted 30 feet to the center together with three or four shrubs planted in between the trees in addition to the provision of appropriate ground cover. Landscaping type and buffer width are determined by the zoning on the abutting property to the development site.

Finding 5

The proposed development must provide the following buffers and landscaping schemes (per Table 40.320.010-1):

- a. On the north, the required landscaping is L2 within a 10 foot wide buffer;
- b. On the south, the required landscaping is L4 within a 50 foot wide buffer or L5 within a 40 foot buffer for the section abutting Tax Lot 200108-010 and L1 within a 5 foot wide buffer for the section abutting Tax Lot 200214-000;
- c. On the east, the required landscaping is L4 within a 50 foot wide buffer or L5 within a 40 wide foot buffer; and,
- d. On the west, the required landscaping is L2 within a 10 foot wide buffer.³ (See Conditions C-1)
- e. For Finding 5b and 5c, the applicant may provide a landscaping scheme that combines a sight obscuring wall with trees planted 30 feet to the center interspersed with 6 high shrubs as necessary, along the section that abuts Tax Lot 200108-010 and along the eastern property boundary. (See Condition C-1)

Building front landscaping

Finding 6

The applicant shall provide appropriate landscaping in front of the building by planting trees of a suitable species every 30 feet on center in a landscape strip or tree well along the length of the proposed buildings. (See Standard Condition E-2)

Staff finds that the Preliminary Planting Plan (see Exhibit 1, Sheet #LI, Sheet 4 of 5 of the Site Plan Review Submittal Package), is adequate, and could comply with applicable code sections when implemented; therefore no additional condition of approval is required. (*Note: Condition C-1 is advisory, PROVIDED the proposed landscaping is 20 percent of the site; and provided the proposed landscaping plan is implemented prior to Occupancy Permit issuance.*)

Outdoor Storage Standards:

Finding 7

In addition to the required landscape screening, this development shall comply with the following standards, where applicable (CCC 40.230.080 (D) (5)).

- a. All storage areas (including but not limited to areas used to store raw materials,

³ The Applicant could propose an alternate landscaping scheme that is superior to what the code requires.

finished and partially finished products and wastes) shall be screened from adjoining properties or public rights-of-way to the L4 standard.

- b. Screening shall be placed on all sides of storage areas other than where a building wall would act as a screen.
- c. Outdoor storage is prohibited as follows:
 - (1) In floodways;
 - (2) On slopes greater than fifteen percent (15%);
 - (3) In parking stalls required by Section 40.340;
 - (4) In areas where outdoor storage or display causes traffic or pedestrian circulation problems, as determined by the responsible official, or where a minimum five (5) foot-wide walkway does not remain clear and free of obstructions;
 - (5) Any materials that attract animals, birds or vermin; and
 - (6) In fire lanes.
- d. The applicant shall demonstrate that both outdoor storage and the screening for outdoor storage are in the appropriate locations on the site to minimize impacts, given the operational practices of the facility. (See Condition C-2)

Off-Street Parking

Finding 8

The applicant has provided a minimum of 227 off-street parking stalls. The total floor area of the 3 buildings proposed is 78,796 square feet, which requires 158 off-street parking spaces. Therefore, the number of proposed off-street parking spaces exceeds the required number of off-street parking spaces by 69 spaces (or 43.67 percent). This requirement is satisfied; therefore, no additional condition of approval is necessary.

Handicapped Parking

Finding 9

The applicable laws require 7 off-street parking spaces to be designated for the physically handicapped; but the applicant has proposed designating 16 stalls as handicapped parking spaces, thereby satisfying the parking need for the physically challenged person [per CCC 40.340.010 (B) (6), WAC 51-30-1103 (Table No. 11-F); therefore, no condition of approval is required.

Solid Waste Disposal

Finding 10

The Preliminary Site Plan, Sheet C3 of C3, shows 2 areas designated for solid waste disposal on the proposed Lot 1, Phase 1 and Lot 2, Phase 2. The proposed Lot 3, Phase 3 does not have a solid waste area identified. The applicant shall identify a solid waste disposable area for Lot 3, Phase 3; or provide documentation indicating how solid wastes from this lot will be disposed consistent with CCC 40.360. (See Condition C-3)

Outdoors Lighting

Finding 11

Outdoors lighting shall be shielded downwards to reduce the level of light and glare perceived beyond the property line, especially along the frontage of NE 117th Avenue (SR 503). (See Condition C-4)

SIGNS

Finding 1

Any sign proposed to advertise this development must comply with the applicable sections of CCC 18.409. (See Condition C-5)

CRITICAL AREAS:

Finding 1

There are no known critical areas on this site according to the county's GIS Mapping System.

TRANSPORTATION CONCURRENCY:

The proposed development is located south of NE 113th Street, west of NE 117th Avenue (SR 503). The applicant's traffic study has estimates trip generation for weekday AM peak hour at 72 new trips, and the PM peak hour trips at 77 new trips. The following paragraphs document two transportation issues for the proposed development.

Issue #1: Concurrency

The applicant submitted a traffic study for this proposal in accordance with CCC 40.350.020B and is required to meet the standards established in CCC 41.350.020G for corridors and intersections of regional significance. The County's TraffixTM model includes the intersections of regional significance in the area and the County's model was used to evaluate concurrency compliance.

Site Access

Finding 1

Level of service (LOS) standard is not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur at the site accesses onto NE 113th Street. The access appears to maintain acceptable LOS.

Operating LOS on Corridors

Finding 2:

The proposed development was subject to concurrency modeling. The modeling results indicate that the operating levels comply with travel speed and delay standards. The applicant should reimburse the County for costs incurred in running the concurrency model. (See condition A-3)

WDOT Facilities

Finding 3:

Although the subject site is located in Clark County, the development generates traffic that affect NE 117th Avenue (SR 503), a facility under the jurisdiction of the Washington State Department of Transportation (WSDOT). Comments regarding safety and capacity on state facilities are submitted separate from this review by WSDOT.

Concurrency Compliance

The proposed development complies with the Concurrency Ordinance CCC 40.350.020.

Issue 2: Safety

Where applicable, a traffic study shall address the following safety issues:

- Traffic signal warrant analysis,
- Turn lane warrant analysis,
- Accident analysis, and
- Any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030 (B) (6). The code states that:

“Nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”

Traffic Signal Warrants

Finding 4

Signal warrants are not met at any of the subject intersections analyzed in the applicant's traffic study.

Turn Lane Warrants

Finding 5

Turn lane warrants are evaluated at un-signalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway. WSDOT will address turn lane requirements along SR 503. Turn lanes are not required on NE 113th Street.

TRANSPORTATION:

Pedestrian/Bicycle Circulation

Finding 1

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 40.350.010. Bike lanes are not required for industrial roads. The development plans show existing sidewalks along the frontage on NE 117th Avenue (SR503). The project proposes to construct sidewalk along the frontage on NE 113th Street. The proposed pedestrian circulation complies with the provisions of Section CCC 40.350.010.

Circulation Plan

Finding 2

NE 117th Avenue, a state route abutting the property on the west, is a primary north-south road in the area. NE 113th Street, abutting the proposed development on the north, will provide for east-west cross-circulation in vicinity of the proposed site. Staff finds that the existing roadways and improvement along NE 113th Street will provide adequate cross-circulation for serving the proposed development and will allow future developments to meet the cross circulation standards in compliance with Section CCC 40.350.030(B)(2).

Roads

Finding 3

NE 113th Court is currently a private graveled roadway within a 60-foot easement. The project proposes to construct a 2-lane "Local Industrial" road to provide for the east-west circulation in the area and access to the site. In accordance with CCC Table 40.350.030-6, this class of road serves up to 4,000 average daily traffic (ADT). Considering the circulation plan for the area and the estimated ADT through this road once extended to the east to connect with NE 124th Avenue, staff finds that the proposed improvements for this road are adequate. The minimum right-of-way dedication and frontage improvements for a 2-lane "Local Industrial" road in accordance with CCC Table 40.350.030-6 and Standard Details Manual, Drawing 22 A, include:

- A minimum right-of-way of 50 feet
- A minimum roadway width of 32 feet
- Curb/gutter and minimum sidewalk width of 6 feet

The site plan shows the westerly portion of the improvements within a proposed 60-foot right-of-way and the easterly portion within a 50-foot right-of-way. The submittals do not include any information on the terms of the easement agreement and whether permission of the owner/s of this private road for the proposed right-of-way dedication and improvements will be required. (See Condition A-4)

NE 117th Avenue, abutting the property on the east, is classified as a 'State Route'. The frontage is improved with sidewalk, curb & gutter. The applicant shall submit a letter signed by an authorized staff of the Washington Department of Transportation indicating that the proposed plans have been reviewed and the requirements of WSDOT for improvement along NE 117th Avenue and at the intersection with NE 113th Street have been satisfied. (See Condition A-5)

Access

Finding 4

Access to NE 117th Avenue (SR 503) is regulated by Washington State Department of Transportation.

The project proposes four driveways onto NE 113th to access the three proposed lots. Staff is concerned that the location and number of the proposed driveways may impact safety and/or traffic operation which in turn may prevent the most efficient and safe use of the road. Engineering Services staff recommends conditional approval of the proposed driveways. The applicant shall demonstrate why four driveway approaches are needed to access three lots. Furthermore, the applicant shall make efforts to align the proposed driveways with the previously approved driveways on the north side of NE 113th Street. (See Condition 6)

Conclusions (Transportation)

Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan, subject to conditions A-4 through A-6, meets the requirements of the county transportation ordinance.

STORMWATER:

Approval Criteria

Finding 1

Stormwater and Erosion Control Ordinance (CCC 40.380) apply to development activities that result in 2,000 square feet or more of new impervious area within the urban area. This project will create more than 2000 square feet of new impervious surface. Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance, CCC 40.380.

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

Stormwater Proposal

Finding 2

The project proposes to achieve the required stormwater quality control for runoff from the pollution-generating surfaces by utilizing the proposed Stormwater Management StormFilter™ structures located in two locations. The water quality facilities for the treatment of onsite runoff to be located in the southern part of the proposed Lot #2 will consist of two StormFilter™ structures containing 37 filter-cartridges. The project proposes to collect and pipe the stormwater runoff from the improvements for NE 13th Street to a StormFilter™ structure containing 10 filter-cartridges for treatment. This facility will be constructed in an easement within a parcel to the north of NE 113th Street across from the proposed Lot #3. The preliminary stormwater design report indicates that the water quality facilities are designed to treat 70% of the 2-year, 24-hour storms, as required.

The report indicates that the stormwater quantity control will be achieved by infiltration within two infiltration facilities consisting of drywells and associated perforated pipe/trench infiltration systems. The facilities are located in the southern part of the proposed Lot #2 and to the north of the proposed Lot #3. The report indicates that stormwater from roof tops will be infiltrated via individual drywells. The preliminary stormwater design report indicates that the water quantity facilities are designed to infiltrate the runoff volume due to the 100 year, 24-hour design storm.

The narrative submitted with the application indicates that the stormwater facilities for the onsite runoff will be privately owned and maintained by the Union Prairie Business Park. The facilities that treat and infiltrate the runoff from NE 113th Street will be maintained by Clark County. These facilities are proposed to be within an easement. In accordance with the provisions of CCC 40.380, if these facilities are to be publicly maintained, they shall be within a tract dedicated to the county. (See Condition A-7)

In accordance with subsection CCC 40.380.040(B)(8), infiltration of stormwater runoff shall not be allowed on commercial industrial sites that, due to location or the proposed use, pose a significant threat of contamination to groundwater. Approval for use of infiltration BMPs (RI.05-30 in the BMP manual) on industrial and commercial sites shall be conditioned on all the criteria described in subsection CCC 40.380.040(B) (8). Infiltration of potentially contaminated stormwater runoff from the proposed unspecified manufacturing uses within the future developments may pose serious impacts to the

groundwater. The requirements of subsection CCC 40.380.040(B) (8) will be applicable to this project, unless it is demonstrated that the proposed uses and storage of products will not pose threat of contamination to groundwater. (See Condition A-8)

Site Conditions and Stormwater Issues

Finding 3

The site with slopes of 0% to 5% is a vacant parcel covered with field grass. The preliminary stormwater report indicates that the development will create 3.319 acres of impervious surface due to the parking areas and onsite sidewalks, 1.809 acres for the rooftops, and 0.892 acres of impervious area due to improvements along NE 113th Street.

The project proposes to utilize infiltration as a method of stormwater quantity control. The 1972 USDA, SCS soil survey of Clark County shows the site to be underlain by 100% Sifton Gravelly Loam (SvA) soils classified by AASHTO as A-1 or A-2 soils. These soils are also classified as hydrologic soil group "B".

The applicant has retained Shannon & Wilson Inc. to perform geotechnical investigation and conduct infiltration tests at the subject site. The soil infiltration investigation report indicates that the subsurface explorations were conducted in seven test pits in May of 2004. Two soil infiltration tests were conducted in test pit TP-2 (see Figure 2, Geotechnical Investigation Report, Exhibit 3). No groundwater was observed in any of the subsurface explorations. The infiltration tests showed infiltration rates of 670 inches per hour at the depth of 3.5 to 4.0 feet and 1,295 inches per hour at the depth of 5.5 to 6.0 feet below the existing ground surface.

In accordance with the provisions of CCC 40.380.040(C)(3)(a) & (f), soils classified as A-1-a, A-1-b, A-2-4, A-2-5, and A-3 as defined in AASHTO Specification M145 are suitable for infiltration. A soil sample from the test location was classified based on the AASHTO specifications as A-1. The report does not specify the sub-classification of the tested sample.

The preliminary design uses the design infiltration rate of 335 inches per hour, which is equal to one-half of the lower infiltration rate obtained in boring TP-2 with a factor of safety of two. The applicant shall ensure that the native soil layers are not disturbed during the grading activities to the extent that design infiltration rates could not be achieved. Infiltration facilities shall be installed in undisturbed native soils. To ensure that the proposed stormwater infiltration facilities will function as designed, the infiltration rate used in the final stormwater analysis shall be verified during the construction of these facilities. (See Condition A-9)

Erosion Control

Finding 6

Because the disposal method is by infiltration, it is important to ensure that no soil or contaminated materials inadvertently enter the storm drain collection system until site construction is complete and exposed soil surfaces are stabilized. In order to protect the infiltration facilities from plugging during the construction, all the runoffs shall be conveyed to an onsite temporary sedimentation basin or be contained by other approved methods until such time when the County inspection staff determines that the

potential for plugging the permanent infiltration system is minimized to the extent possible. (See Condition C-6)

Conclusion (Stormwater)

Based upon the development site characteristics, the proposed stormwater plan, the requirements of the County's stormwater ordinance, and findings above, staff concludes that the proposed preliminary stormwater plan, subject to conditions A-7 through A-9 and C-6, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

CRITICAL AQUIFER RECHARGE AREAS

Finding 1

Based on the County GIS, the property is within the critical aquifer recharge area (CARA), Category II. The applicant has not specified the proposed uses within the future phases of the development. If the proposed use within any portion of the development involves activities listed in Section CCC 40.410.020(B), the applicant will be required to obtain a CARA permit in compliance with Section CCC 40.410. (See Condition A-10)

FIRE PROTECTION:

Fire Marshal Review

Fire Protection Finding 1

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Building Construction

Fire Protection Finding 2

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (see Condition A-11).

Fire Flow

Fire Protection Finding 3

Fire flow in the amount of 1,250 gallons per minute supplied for 20 minutes duration is required for this application. A utility review from the water purveyor indicates that the required fire flow is not currently available at the site. Additions to water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval (see Condition A-12).

Fire Hydrants

Fire Protection Finding 4

Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads (see Condition A-13).

Fire Protection Finding 5

Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact the Vancouver Fire Department at 360-696-8166 to arrange for location approval. The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant (see Conditions A-12, A-13 and A-14).

Fire Apparatus Access

Fire Protection Finding 5

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus (See Condition A-15).

Fire Lane

Fire Protection Finding 6

Post fire lanes for Building "C": "No Parking Fire Lane." (See Condition D-3)

WATER & SEWER SERVICE:

Finding 1

Clark Public Utilities provides public water and Hazel Dell Sewer District provides public sewer in the area. While the site could be served with public water by Clark Public Utilities, a letter from the above district confirms that adequate water service is available; but sewer services is not available to the site. The applicant has applied for a public sewer waiver.

Public Sewer Waiver – MZR2004-00167

Approval Criteria

Finding 2

Generally, the applicable sections of the code require public sewer connection as a condition of building permit issuance in the urban area. CCC 40.370.010 (C) (3) stipulates that a public sewer waiver may be granted a new development in the urban area under the following conditions:

Approval Criterion 1

The new structure is for a non-residential use, generating a projected effluent flow of not more than seven hundred (700) gallons per acre per day.

Finding 3

In the narrative for the sewer waiver request (Exhibit 3, tab 20) the applicant indicates the proposed development will generate more than 700 gallons of effluent per day when the three lots proposed are fully developed. The applicant indicates that between 200 and 250 individuals will be employed on the premises when the site is fully developed, and that between 100 and 150 customers will visit the site for business. The septic tank will be designed for a capacity of 4,050 gallons per day for an average flow of 2,025 gallons per day to be collected and treated. The narrative further provides technical

information indicating that the approximately 7.38 acre site is adequate to accommodate the installation of a commercial on-site septic system to support industrial developments on the site consistent with the applicable state and local laws.

Approval Criterion 2

Such use does not generate hazardous / dangerous waste, as defined by applicable federal, state or local law.

Finding 4

The applicant indicates that the proposed industrial uses would not generate any hazardous / dangerous wastes. The applicant has retained Environmental Management Systems Company to conduct soil profile for waste water management on the site and concludes that the proposed manufacturing activities would generate any regulated hazardous wastes.

Approval Criterion 3

Extension of public sewer is impractical based upon the following criteria:

- (1) Public sewer would have to be extended more than three hundred (300) feet; or,*
- (2) Necessary permission cannot be obtained from intervening landowner(s); or,*
- (3) Intervening property contains natural or manmade obstructions, such as deep canyons, elevation changes, and solid rock impediments, which make public sewer extension prohibitively expensive or undesirable; and,*

Finding 5

The nearest public sewer main line is located west of NE 117th Avenue (SR 503), at NE 107th Street, approximately 2,600 linear feet from the site. Bringing public sewer to this site will require the applicant to obtain permission from the intervening property owners including Washington State Department of Transportation (WSDOT) to cross their properties with sewer main. The applicant has submitted a utility review dated July 30, 2004, indicating that public sewer is not available to the site, and that sewer mains will have to be extended to the site from NE 107th Street. Staff finds that implementing the required improvements to serve the proposed development with public sewer will involve major public works effort, including crossing NE 117th Avenue (SR 503). The cost of providing the needed improvements could be high for an individual developer. Based upon the above, staff recommends that the sewer waiver request be granted, subject to Condition D-4.

Approval Criterion 4

A covenant to the county surveyor or purveyor is recorded which commits the current future property owner(s) to connect to public sewer within twelve (12) months of sewer becoming available. The covenant shall also contain a provision that commits the current future property owner(s) to participate in a future local improvement district if this is the method used to extend sewer.

Finding 5

The applicant shall provide a covenant running with the land indicating that all three lots will be connected to public sewer when the service is available in the area [per CCC 40.370.010 (C) (3) (c)]. (See Finding 6, and Condition D-4)

Finding 6

The site will be served by on-site septic systems. A "Health Department Evaluation Letter" shall be submitted indicating that the Health Department has conducted an evaluation of the site and determined that no existing wells or septic systems are located on the site, and no structures on the site have been hooked up to water and/or sewer. The letter shall also confirm that the proposed septic systems are approved for use and feasible, subject to conditions of approval (see condition D-4).

Finding #3

Where the use of a septic system is proposed, the Health Department must sign the final site plan prior to submittal to the county for final site plan review and recording (see Condition # E-2).

IMPACT FEES:

Finding I

The site is located in Orchards Traffic Impact Fee (TIF) district. The proposed industrial developments shall be assessed traffic impact fees for Orchards Traffic Impact Fees District as follows:

The following note shall be placed on the final plat stating that:

"In accordance with CCC 40.610, Orchards traffic impact fees for each of the proposed industrial buildings is as follows:

Phase	Assessed Impact Fee
1	\$22,682.90 for Lot I, Building "A" 23,204 square feet
2	\$24,772.88 for Lot 2, Building "B" 25,342 square feet
3	\$29,570.66 for Lot 3, Building "C" 30,250 square feet

"The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedules."⁴
(See condition of approval B-1)

SEPA DETERMINATION and DECISION

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on September 24, 2004 (see Exhibit 5) is hereby final.

⁴ Please refer all disputes regarding impact fees to Richard Gamble at (360) 397-2375, ext. 4384.

Based upon the proposed plan (identified as Exhibit 1), and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

Conditions of Approval

A. Conditions that must be met prior to Final Site Plan approval; or if improvements are approved by the county for bonding or other secure method, such conditions shall be met prior to issuance of Occupancy Permits per CCC, Section 40.350.030(C)(4)(i) & (j).

Land Use – Zoning

- A-1** The applicant shall comply with the applicable development standards in the Light Industrial District (per CCC 40.230.080-2). (See Land Use Finding 1)
- A-2** The applicant shall provide a recorded survey of each lot created in this binding site plan [per RCW 58.17.040 (5)]. (See Land Use Finding 3)

Concurrency

- A-3** The applicant shall reimburse the County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$1,500. The reimbursement shall be made within 60 days of issuance of the Staff Report with evidence of payment presented to staff at Clark County Public Works. (See Transportation Concurrency Finding # 2)

Transportation

- A-4** The applicant will be required to show that the proposed improvements for NE 113th Street and access to the proposed developments will not be in conflict with the terms of the easement agreement for this private road. (See Transportation Finding 3)
- A-5** Prior to the final site plan approval, the applicant will be required to submit a letter signed by an authorized staff of Washington State Department of Transportation indicating that the proposed plans have been reviewed and WSDOT requirements have been satisfied. (See Transportation Finding 3)
- A-6** The exact locations and number of proposed driveway approaches will be reviewed during the final engineering plan review and approval process. If the review authority finds that the location or number of driveways may exacerbate safety or impede traffic operation, the location shall be modified and/or one driveway shall be eliminated. (See Transportation Finding 4)

Stormwater

- A-7** Publicly owned and maintained stormwater facilities shall be within a dedicated tract. Acceptance of the facilities by the county will be required. (See Stormwater Finding 2)
- A-8** If applicable, the proposed project shall comply with all the criteria described in subsection CCC 40.380.030(B) (8) in order to receive approval for use of infiltration BMPs on this site. (See Stormwater Finding 2)
- A-9** Construction of the stormwater infiltration facilities shall comply with the following requirements:
- a. The infiltration rates used in the final stormwater analysis shall be verified during the construction of the facilities by a licensed geotechnical engineer or a designated representative at the exact location and depth of the proposed stormwater infiltration facilities. The timing of the representative test will be determined at the pre-construction conference.
 - b. A sacrificial temporary drainage system shall be considered for use during construction of the site improvements.
 - c. Installation of the permanent infiltration facilities shall be observed and documented by a licensed engineer in the State of Washington proficient in geotechnical engineering. (See Stormwater Finding 3)

Critical Aquifer Recharge Areas (CARA)

- A-10** If required, the applicant shall obtain a CARA permit in compliance with Section CCC 40.410. (See CARA Finding 1)

Fire Protection

A-11 Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (see Fire Protection Finding 2).

A-12 Fire Flow

Fire flow in the amount of 1,250 gallons per minute supplied for 20 minutes duration is required for this application. A utility review from the water purveyor indicates that the required fire flow is not currently available at the site. Additions to water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval (see Fire Protection Finding 3).

A-13 Fire Hydrants

Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads (see Fire Protection Finding 4).

A-14 Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact the Vancouver Fire Department at 360-696-8166 to arrange for location approval. The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant (see Conditions 8, 9 and 10). (See Fire Protection Finding 4)

A-15 Fire Apparatus Access

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus (see Fire Protection Finding 5).

B. Conditions that must be met <u>prior to issuance of Building Permits</u>
--

Impact Fees

B-1 The applicant shall pay impact fees based on the number of dwelling units in the building, as follows:

Phase	Assessed Impact Fee
1	\$22,682.90 for Lot 1, Building "A" 23,204 square feet
2	\$24,772.88 for Lot 2, Building "B" 25,342 square feet
3	\$29,570.66 for Lot 3, Building "C" 30,250 square feet

If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate. (See Impact Fees Finding #1)

C. Conditions that must be met <u>prior to issuance of Occupancy Permits</u>

Land Use – Zoning

C-1 The applicant shall provide the following landscaping scheme:

- On the north, the required landscaping is L2 within a 10 foot wide buffer;
- On the south, the required landscaping is L4 within a 50 foot wide buffer or L5 within a 40 foot buffer for the section abutting Tax Lot 200108-010 and L1 within a 5 foot wide buffer for the section abutting Tax Lot 200214-000;
- On the east, the required landscaping is L4 within a 50 foot wide buffer or L5 within a 40 wide foot buffer; and,
- On the west, the required landscaping is L2 within a 10 foot wide buffer. (See Land Use Finding 5)

- e. The applicant may provide a landscaping scheme that combines a sight obscuring wall with trees planted 30 feet to the center interspersed with 6 high shrubs as necessary, along the section of the site that abuts Tax Lot 200108-010 and along the eastern property boundary to satisfy Findings 5b and 5c. (See Land Use Finding 5)

- C-2** The applicant shall demonstrate that both outdoor storage and the screening for outdoor storage are in the appropriate locations on the site to minimize impacts, given the operational practices of the facility. (See Land Use Finding 7)
- C-3** The applicant shall identify a solid waste disposable area for Lot 3, Phase 3; or provide documentation indicating how solid wastes from this lot will be disposed per CCC 40.360. (See Land Use Finding 10)
- C-4** Outdoors lighting shall be shielded downwards to reduce the level of light and glare perceived beyond the property line, especially along the frontage of NE 117th Avenue (SR 503). (See Land Use Finding 11)

Signs

- C-5** Any sign proposed to advertise this development must comply with the applicable sections of CCC 18.409. (See Sign Finding 1)

Stormwater

- C-6** All runoffs from the site shall be conveyed to an onsite temporary sedimentation basin or be contained by other approved methods until such time when the county inspection staff determines that potential for plugging the infiltration system is minimized to the extent possible. **See Stormwater Finding 6**

D. Notes Required on Final Site Plan

The following notes shall be placed on the final plat:

Land Use - Zoning

- D-1** Proposed commercial and/or service uses shall comply with the requirements of Table 40.230.080-1, Note 1, which permits commercial and/or service uses to occupy 10 percent of the gross floor area of the proposed buildings. If a stand alone commercial or service building is proposed, its total floor area shall not exceed 10 percent of all the buildings constructed on this site. (See Land Use Finding 2)
- D-2** "Development proposed on Lot 2, Phase 2, and Lot 3, Phase 3 shall require additional review, if the applicant or a successor in interest proposes a change or changes that triggers or trigger additional review as defined in CCC 40.520.040 (A)" (See Land Use Finding 4)
- D-3 Fire Protection**
Fire Lane
"The applicant shall post a '**No Parking Fire Lane**' sign along the south side of Building 'C'." (See Fire Protection Finding 6)

D-4 Covenant for on-site septic system

"The applicant shall provide a covenant running with the land and approved by the Prosecuting Attorney as to form, indicating that the applicant will provide the necessary (or needed) improvements required to connect this development public sewer system when public sewer service is available in the area." (See Water and Sewer Findings 4 and 5)

D-5 Archaeological

"If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

D-6 Sidewalk

"Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."

D-7 Utilities

"An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

D-8 Critical Aquifer Recharge Areas

"The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."

D-9 Erosion Control

"Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

D-10 Driveways

"No direct access is allowed onto the following streets: NE 117th Avenue."

D-11 Private Roads:

"Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this plat. Any private access street shall remain a private street unless it is upgraded to public street standards at the expense of the developer or adjoining lot owners to include hard surface paving and is accepted by the County for public ownership and maintenance."

D-12 Privately Owned Stormwater Facilities:

"The following party(s) is responsible for long-term maintenance of the privately owned stormwater facilities: Union Prairie Business Park."

D-13 Mobile Homes:

"Placement of Mobile Homes is prohibited."

D-14 Impact Fees:

"In accordance with CCC 40.610, Orchards traffic impact fees for each of the proposed industrial buildings is as follows:

Phase	Assessed Impact Fee
1	\$22,682.90 for Lot 1, Building "A" 23,204 square feet
2	\$24,772.88 for Lot 2, Building "B" 25,342 square feet
3	\$29,570.66 for Lot 3, Building "C" 30,250 square feet

The impact fees for this development shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

D-15 Septic Systems:

"The approved, initial, reserve, and/or existing sewage system sites shall be protected from damage due to development. All sites shall be maintained so they are free from encroachment by buildings and not be subject to vehicular traffic or other activity which would adversely affect the site or system function."

E. Standard Conditions

This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

Site Plans and other land use approvals:

E-1 Within 5 years of preliminary plan approval, a Fully Complete application for a building permit shall be submitted.

Water Wells and Septic Systems:

E-2 Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted to the county, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted. (e.g., at Final Construction Plan Review, Final Plat Review, or prior to occupancy).

E-3 For on-site water wells and sewage system, the following requirements shall be completed prior to final plat recording:

- A. A 100-foot radius of protection for any wells shall be shown on the final plat map and be located within the boundaries of the land division;
- B. The location of all existing wells (in use, not in use or abandoned) shall be indicated on the final plat map;
- C. Each on-site sewage system shall be on the same lot it serves;
- D. Test hole locations corresponding to the designated treatment sites shall be surveyed and indicated on the final plat map;
- E. No public or private easements or rights-of-way shall be extended through the approved, reserve or existing on-site sewage system sites;
- F. Provisions shall be made to prevent flow or accumulation of surface water over the area where an on-site sewage system is located;
- G. A copy of the County approved final drainage plan shall be submitted for review; and,
- H. All proposed lots shall have a current approved septic system site evaluation or septic system permit. Should either be allowed to expire, subsequent approval of an on-site sewage treatment system cannot be assured and, therefore, the Health Department will not sign the final plat.

Final Construction--Site Plan Review

E-4 Transportation:

Prior to construction, the applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350.

E-5 Stormwater:

Prior to construction, the applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 30.380.

E-6 Pre-Construction Conference:

Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

E-7 Erosion Control:

Prior to construction, the applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

E-8 Erosion Control:

Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

E-9 Erosion Control:

Erosion control facilities shall not be removed without County approval.

E-10 Excavation and Grading:

Excavation/grading shall be performed in compliance with Appendix Chapter J of the 2003 International Building Code (IBC).

E-12 Excavation and Grading:

Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

An **appeal** of any aspect of this decision, including the SEPA determination and any required mitigation measures, may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on November 12, 2004. Therefore any appeal must be received in this office by 4:30 PM, November 26, 2004.

APPEAL FILING DEADLINE**Date: November 30, 2004**

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. A check in the amount of **\$1070** (made payable to the Department of Community Development).

The appeal request and fee shall be submitted to the Department of Community Development, Customer Service Center, between 8:00 AM and 4:30PM Monday through Friday, at the address listed below.

Attachments:

- Vicinity Map
- Comprehensive & Zoning Maps
- Copy of Proposed Preliminary Plan
- Landscaping Plan

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>